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Security Council

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Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 7 April 2009 from the Permanent Mission of the United States of America to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the United States of America presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia, and has the honour to enclose the report of the United States of America on the implementation of sanctions imposed by Security Council resolution 1844 (2008) (see annex).

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Annex to the note verbale dated 7 April 2009 from the Permanent Mission of the United States of America to the United Nations addressed to the Chairman of the Committee

Report of the United States of America on the implementation of sanctions imposed by Security Council resolution 1844 (2008)

Security Council resolution 1844 (2008) expanded the Somalia sanctions regime from a comprehensive arms embargo to include targeted measures. Those designated by the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia are subject to an asset freeze, travel ban and arms embargo wherever they are located. The comprehensive arms embargo on Somalia is still in effect. The Security Council decided in paragraph 25 of resolution 1844 (2008) that all Members States shall report to the Committee on the steps they have taken with a view to implementing paragraphs 1 to 7 of the resolution.

Travel ban

Under the applicable provisions of the Immigration and Nationality Act, the United States will take the necessary measures to prevent the entry into or transit through the United States territories of individuals designated by the Committee, provided that the individuals are not nationals of the United States.

Travel exemptions will be granted if the Committee determines the travel to be justified on the grounds of humanitarian need, including religious obligation, or if it will further the objectives of peace and national reconciliation in Somalia and stability in the region, or if the United States is obliged to permit the travel by virtue of the Headquarters Agreement.

Asset freeze

The United States will take the necessary measures to freeze without delay the funds, other financial assets and economic resources which are within the jurisdiction of the United States, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee. Additionally, the United States shall ensure that any funds, financial assets or economic resources are not made available to or for the benefit of designated individuals and entities by United States nationals or by any individuals or entities within the territory of the United States.

Asset freeze exemptions will be granted if the United States determines they are necessary for basic expenses, extraordinary expenses, or to satisfy a judicial, administrative or arbitral lien or judgment, provided the lien or judgment was entered into prior to 20 November 2008, is not for the benefit of a designated individual or entity, and has been notified to the Committee.

The United States will permit the addition to the accounts frozen of interest or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of resolution 1844 (2008); any such interest, other earnings and

payments will continue to be subject to the provisions of the resolution and will be frozen.

The United States will implement the asset freeze pursuant to Presidential authorities under the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c), and section 301 of title 3, United States Code.

Arms embargo

The United States complies with the general and complete arms embargo against Somalia imposed by Security Council resolution 733 (1992), as elaborated and amended by Security Council resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007). The United States export controls are implemented through the Arms Export Control Act and the International Traffic in Arms Regulations.

The United States munitions export control system is designed to deny adversaries and parties whose interests are inimical to those of the United States access to United States-origin defense equipment and technology. This function is administered by the Directorate of Defense Trade Controls, and the United States Department of State. The export control process is closely regulated and excludes the participation of embargoed and other ineligible parties in United States defense trade.

The United States will take the necessary measures to prevent the direct or indirect supply, sale or transfer of weapons and military equipment and the direct supply of technical assistance or training, financial and other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment, to the individuals and entities designated by the Committee.

The United States requires all United States persons that manufacture or export defense articles, furnish defense services, or United States and foreign persons engaged in arms brokering to register with the Department of State. The Department of State must approve a license application prior to the export of defense articles or defense services. A review of all parties to the proposed transactions, including end-users, is made against a "Watch List," which includes individuals and entities designated by the United Nations Sanctions Committees. Pursuant to the Arms Export Control Act, arms export control violations, including provision of defense equipment and technology to ineligible persons and associate persons are subject to strict criminal and civil penalties. Criminal penalties may include a jail sentence of 10 years and/or $1 million for each violation. Possible civil penalties include debarment from participation in United States defense trade and monetary penalties up to $500,000 per violation.